



Department of Justice

Billing Code 4410-30

Executive Office for Immigration Review

[OMB Number 1125-0009]

Agency Information Collection Activities:

Proposed collection; comments requested

Revised Application for Suspension of Deportation (EOIR-40)

ACTION: 30-Day Notice of Information Collection Under Review:

The Department of Justice (DOJ), Executive Office for Immigration Review (EOIR) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the Federal Register Volume 77, Number 103, page 31641 on May 29, 2012, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until [insert the date 30 days from the date this notice is published in the Federal Register]. This process is conducted in accordance with 5 CFR § 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530. Additionally, comments also may be submitted to OMB via facsimile to (202) 395-5806.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or

other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

- (1) Type of Information Collection: Revision of a Currently Approved Collection.
- (2) Title of the Form/Collection: Application for Suspension of Deportation (EOIR-40).
- (3) Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Form Number: EOIR-40, Executive Office for Immigration Review, United States Department of Justice.
- (4) Affected public who will be asked or required to respond, as well as a brief abstract: Primary: Individual aliens determined to be deportable from the United States. Other: None. Abstract: This information collection is necessary to determine the statutory eligibility of individual aliens who have been determined to be deportable from the United States for suspension of their deportation, pursuant to former section 244 of the Immigration and Nationality Act and 8 CFR § 1240.55 (2011), as well as to provide information relevant to a favorable exercise of discretion.

- (5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply: It is estimated that 178 respondents will complete the form annually with an average of 5 hours, 45 minutes per response.
- (6) An estimate of the total public burden (in hours) associated with the collection: There are an estimated 1,023.50 total annual burden hours associated with this collection annually.

If additional information is required contact: Jerri Murray, Department Clearance Officer,
United States Department of Justice, Justice Management Division, Policy and Planning Staff,
Two Constitution Square, 145 N Street, NE, Room 2E-508, Washington, DC 20530.

Jerri Murray

August 1, 2012

Department Clearance Officer

United States Department of Justice

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